

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35912 of 2007(A)

PETITIONER:

M.P.SHAJI, MUDAKKARIYIL HOUSE,
ANAKKARA P.O., IDUKKI DISTRICT.

BY ADV. SRI.MATHEW JOHN (K)
SRI.AJEESH K.SASI

RESPONDENTS:

1. THE GEOLOGIST, MINING AND GEOLOGY
DISTRICT OFFICE, MINI CIVIL STATION,
THODUPUZHA P.O., IDUKKI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
DEVIKULAM.

BY GOVT. PLEADER SRI I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C) 35912 OF 2007

Dated: December 5, 2007

JUDGMENT

The petitioner submits that he had made Ext.P2 application for permit for sand mining in terms of Rule 10 of the Kerala Minor Mineral Concession Rules, 1967. That was responded by Ext.P3 requiring him to produce a No Objection Certificate from the Revenue Divisional Officer. It is in this context that the petitioner has filed this writ petition.

2. The contention of the petitioner is that the Rules do not require the production of a No Objection Certificate as directed in Ext.P3 and that being the authority notified under the Statute, the 1st respondent has to consider the application on its merits independently. Having regard to the provisions contained in the Rules, the petitioner is well-founded in the above contention.

3. Taking into account the above position, I dispose of this writ petition directing that the 1st respondent shall consider Ext.P2 application of the petitioner on its merits and without insisting on the production of No Objection Certificate as directed by Ext.P3.

This the 1st respondent shall do as expeditiously as possible, at any rate, within four weeks of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE

mt/-